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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/791,711 | 03/04/2004 | Frank Sauèr | 076326-0275 | 3391 |

22428 7590 02/07/2007
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

FLEMING, FAYE M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3616

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 02/07/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/791,711

Applicant(s)

SAUER, FRANK

Examiner

Faye M. Fleming

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 35 is objected to because of the following informalities: the phrase "according to claim 35" should be *according to claim 34*. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 23-30, 34, 35 and 40-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Koide (JP11321516).

Koide discloses an airbag covering device comprising a cover cap 12 with tear-open edges 34; a decorative element 22 fastened to the cover cap and covers at least one tear-open edge 34 wherein the decorative element comprises predetermined breaking points 34 (see figure 4) at locations where the decorative element covers the at least one tear-open edge; bending points via 24; and grooves 13A. The material weakenings are provided on a rear side of the decorative element contacting the cover cap (see figure 5). As shown in figure 4, perforations are provided as the predetermined breaking points. The perforations extend from a rear side of the decorative element contacting the cover cap to just below the top side of the decorative element. The perforations are continuous. The decorative element is configured to break at the predetermined breaking points when the airbag is deployed. The tear-open edged form tear-open sections and wherein approximately one fourth and/or one half to one eighth of the decorative element remains at one of the tear-open sections when the decorative element tears. The decorative

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element comprises a softer carrier material and a harder covering layer and a material weakening as the breaking point 34 is provided in the covering layer (see paragraph [0014]). A rear side of the covering layer includes the material weakening and wherein the carrier material engages into the material weakening.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koide (JP11321516) in view of Schneider, et al. (20030178819).

Koide teaches the claimed invention except for continuous perforations formed by lasers, ultrasonic and/or cutting. Schneider teaches an airbag cover comprising perforations which can be formed by lasers, ultrasonic and/or mechanical (i.e. cutting). Based on the teachings of Schneider, it would have been obvious to one having ordinary skill in the art at the time the invention was made have the perforations of Koide formed by lasers, ultrasonic and/or cutting to provide method of perforating the airbag.

6. Claims 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koide (JP11321516).

Koide teaches the claimed invention except for the decorative element comprises flexible plastic, the decorative element provided with a metal layer applied by sputtering, a surface of the decorative element provided with an electroplated coating and a surface of the decorative element being lacquered. With respect to claims 36-39, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the decorative element to be made of a plastic and/or a metal and to

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have it lacquered and/or coated, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

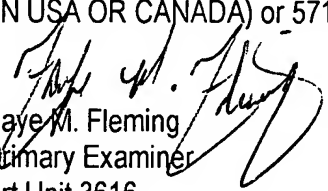
With respect the metal layer be applied by sputtering, the method of forming the device is not germane to the issue of patentability of the device itself.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye M. Fleming whose telephone number is (571) 272-6672. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Faye M. Fleming
Primary Examiner
Art Unit 3616

01/21/07